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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,120	06/07/2005	Michael S Griffith	540-566	1990

23117 7590 01/13/2009

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EXAMINER

SHAFFER, RICKY D

ART UNIT	PAPER NUMBER
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2872

MAIL DATE	DELIVERY MODE
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01/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,120

Applicant(s)

GRIFFITH ET AL.

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10, 11, 14-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 14-17, 25-30 is/are rejected.
- 7) ☒ Claim(s) 5-8, 10, 11, 18-21, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/2008 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Guzman et al ('373).

Guzman et al discloses a deformable mirror holder in combination with a deformable mirror holder comprising a rigid mounting body (150) with a central aperture, the mirror (105) being received within the aperture (see Fig. 1), a deformation device (160) for deforming the mirror being attached directly to the mirror; and a plurality of flexible beams (157, 159) around the aperture which support the mirror at an edge thereof and permit movement of the mirror edge when the mirror is deformed by the deformation device. Note Fig. 1 along with the associated description thereof.

4. Claims 2-4, 14-17, 25 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Guzman et al ('373).

Guzman et al discloses a deformable apparatus comprising a deformable mirror (105), a mounting body (150) having an aperture in which the deformable mirror is received (see Fig. 1), a flexible structure (110) extending across the aperture to the mirror, and a deformation device (160) for controllably deforming the mirror, the deformation device acting on the mirror other than through the flexible structure, the flexible structure having an end (the unlabeled elements between elements 110 and 105) shaped to provide a supporting surface for supporting the mirror, and a flexible portion (110, 157, 159) linking the supporting surface to the body and permitting movement of an edge of the mirror relative to the body when the mirror is deformed by the deformation device, wherein the flexible structure (110) comprises a plurality of flexible beams (157, 159), each said beam having said supporting surface and said flexible portion (see Fig. 1), wherein the flexible portion permits rotation of the edge of the mirror and displacement of the edge of the mirror axially (see column 3, line 63 to column 4, line 13), wherein the mounting body is a unitary structure (see column 3, lines 63-67), wherein the ends of the flexible beams are co-joined to form a unitary structure shaped to provide said supporting surface (see Fig. 1); wherein the ends of the flexible structure lie in the plane of the body of the holder such that the mirror is received within the body (see Fig. 1) and wherein at least one beam is generally L-shaped such that one leg of the L-shape provides the flexible portion and the other leg of the L-shape provides the supporting surface of the end of the beam (see Fig. 1). Note Fig. 1 along with the associated description thereof.

5. Claims 5-8, 10, 11, 18-21, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The examiner can normally be reached on Mon-Fri. 11:00 to 7:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

December 05, 2008

/Ricky D. Shafer/
Primary Examiner
Art Unit 2872